

<p>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 200 E. Santa Clara Street San José, California 95113-7905</p> <h2 style="margin-top: 100px;">STAFF REPORT</h2>	Hearing Date/Agenda Number H.L.C. 9/20/06 Item No.: 5.a	
	File Number PDC05-109	
	Application Type Planned Development Rezoning	
	Council District 10	SNI NA
	Planning Area Almaden	
	Assessor's Parcel Number(s) 701-17-012: -016	

PROJECT DESCRIPTION	Completed by: Lesley Xavier
Location: Southeast corner of Almaden Expressway and Almaden Road	
Gross Acreage: 1.239	Net Acreage: 1.236 Net Density: 10.52 DU/AC
Existing Zoning: A Agriculture	Existing Uses: Almaden Feed & Fuel bar and restaurant
Proposed Zoning: A(PD) Planned Development	Proposed Use: 13 Single-family detached residential units

GENERAL PLAN	Completed by: LX
Existing Land Use/Transportation Diagram Designations Medium High Density Residential (12-25 DU/AC)	Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING	Completed by: LX
North: Single-Family Residences	A (PD) Planned Development (4.6 DU/AC)
East: Single-Family Residences	A (PD) Planned Development (1.7 DU/AC)
South: Single-Family Residences	R-1-1 Single-Family Residence
West: Single-Family Residences	R-1-5 (PD) Planned Development (5.7 DU/AC)

ENVIRONMENTAL STATUS	Completed by: LX
<input type="checkbox"/> Environmental Impact Report found complete <input checked="" type="checkbox"/> Negative Declaration circulated on August 29, 2006 <input type="checkbox"/> Negative Declaration adopted on	<input type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete

FILE HISTORY	Completed by: LX
Annexation Title: Ryder No_38	Date: 12/11/1978

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Recommend Approval <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Denial	Date _____	Approved by: _____

CURRENT OWNER	DEVELOPER	ARCHITECT
Jon D. Carson 20045 Stevens Creek Blvd#2-D Cupertino, CA 95014	Jon D. Carson 20045 Stevens Creek Blvd#2-D Cupertino, CA 95014	TSH International Niles Tanakatsubo 25 Edwards Court, Suite 208 Burlingame, CA 94010

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LX

- See attached.

Other Departments and Agencies

- See attached memorandums from the Environmental Services Department (ESD) and the Fire Department.

GENERAL CORRESPONDENCE

- See attached correspondence from the community.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

In November, 2005, the applicant, Jon Carson, submitted an application for a Planned Development Rezoning on a 1.239 gross acre site located at the southeast corner of Almaden Expressway and Almaden Road, to allow the development of up to 13 single-family detached residential units. The subject site is surrounded by single-family detached residences to the north and east across Almaden Expressway, to the south, and to the west across Almaden Road.

The proposed Rezoning includes the demolition of the Almaden Feed and Fuel structure on the site and in its place construction of 13 single-family detached residences. The demolition of this structure is discussed in more detail below in the “Historic Resources Description” section of this report.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and the Director of Planning, Building, and Code Enforcement circulated a Mitigated Negative Declaration (MND) for public review on August 29, 2006, which ends its circulation period on September 18, 2006. The Director of Planning will consider adoption of the MND after the Historic Landmarks Commission (HLC) considers the issue at the September 20, 2006 hearing. The primary issues that were addressed in the environmental review included the project’s potential impacts on cultural resources. The project includes mitigation measures that will reduce any potentially significant project impacts to a less-than-significant level. Because the building and site do not appear to qualify for listing on the National Register of Historic Places (NRHP) and/or the California Register of Historical Resources (CRHR), or on the City of San Jose Historic Resources Inventory (HRI) as a Candidate City Landmark or Contributing Structure to a City Landmark Historic District, demolition to accommodate future development at the site would not have a significant effect on the environment in the context of historic resources as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A more comprehensive accounting of the environmental mitigation measures required as part of this project can be found in the project’s Mitigated Negative Declaration (attached to this report). The full text of the Initial Study is available online at:

<http://www.sanjoseca.gov/planning/eir/MND.asp>

GENERAL PLAN CONFORMANCE

Land Use/Transportation Diagram

The site was the subject of a General Plan amendment in 2000 to change the General Plan Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC). This land use designation is typified by two-story apartments and condominiums and is planned primarily for locations on major streets and near major activity centers. The project proposes a density of 10.52 DU/AC, which is less than the minimum designated minimum density of 12 DU/AC. However, the subject site is approximately 1.2 acres in size and in order for the proposed project to conform to the General Plan the Two Acre Rule Discretionary Alternate Use Policy would have to be used. This policy allows for existing parcels of two acres or less to be developed at a higher or lower density range than that designated on the Land Use/Transportation Diagram, provided that: the density on the subject site is compatible with surrounding land uses; the project is of exceptional design; and the project exceeds the minimum standards of the Zoning Ordinance and adopted design guidelines. Staff is continuing to review the project relative to conformance in this area.

Urban Conservation/Preservation Major Strategy

The San Jose 2020 General Plan Urban Conservation/Preservation Major Strategy states that at a strategic level, preservation activities contribute visual evidence to a sense of community that grows out of the roots of San Jose's past. As a subset of that strategy, the Historic, Archaeological and Cultural Resources (HACR) Goal includes preservation of historically and archaeologically structures of varying significance in order to promote a greater sense of historic awareness and community identity, and to enhance the quality of urban living. The Preservation of historic structures identified as Structures of Merit is addressed in the following HACR Policies:

- Policy No. 1 Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
- Policy No. 3 An inventory of historically and/or architecturally significant structures should be maintained and periodically updated in order to promote awareness of these community resources.
- Policy No. 4 Areas with a concentration of historically and/or architecturally significant sites or structures should be considered for preservation through the creation of Historic Preservation Districts.

The City identifies historic resources through survey work, either independently funded surveys of thematic or geographic areas, or survey of individual properties required as part of development review. As a relatively highly rated Structure of Merit (50.73), the Almaden Feed & Fuel structure is being referred to the HLC for consideration in the development review process in conformance with HACR Policy No. 1, for recommendation regarding the disposition of the historic resource to the decision making body. Project conditions identified in the Analysis section of this report may be part of this consideration. The HLC may consider recommending the addition of the property to the Historic Resources Inventory in conformance with HACR Policy No. 3. The project area and neighborhood were addressed in the Historic Evaluation of the property in order to determine whether a potential Historic District exists in conformance with HACR Policy No. 4. Through that Evaluation process, it has been determined that a clear group of historic resources does not exist in the area, and as such no potential Historic District is proposed for consideration at this time.

Housing and Growth Management Major Strategies

The General Plan Housing Major Strategy seeks to provide a variety of housing opportunities. The Growth Management Major Strategy encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services. The proposed project would further the General Plan's Housing and Growth Management Major Strategies by providing housing opportunities on infill property that is already served by existing urban services within the City's boundaries. In addition, this proposal would conform with the General Plan Community Development/Residential Land Use Goal in that the land to be used for the future development will be utilized to increase the potential to add to the housing stock.

There are several General Plan Goals and policies that the proposed project would support, however, in supporting one, a conflict would occur with another. Ultimately, the decision making body will need to determine the appropriate balance.

HISTORIC RESOURCE EVALUATION

A historic report, entitled "Historical Evaluation of the Almaden Feed & Fuel, 18950 Almaden Road in the City of San Jose," dated July 19, 2005 was completed by Dr. Robert Cartier of Archaeological Resource Management and submitted with the project in November, 2005.

On July 18, 2006, community members Denelle Fedor, Ed Della Monica, Mark Erickson, and Lauren Bowker submitted an information packet regarding the significance of the Almaden Feed and Fuel. This information included a letter from retired engineer, author, and docent at the New Almaden Quicksilver County Mining Museum, Mr. Arthur Boudreault. Mr. Boudreault presented a case for Candidate City Landmark status of the structure based on its likely use by recognized mine managers and owners, its ownership by members of the early Almaden Valley pioneer Pfeiffer family, its association with the 1985 mural by artist John Pugh, and its place as the "gateway to the richest mine in California."

As part of the review of the historic report and Historic Evaluation Criteria (Tally) form, planning staff considered the information packet, and conducted a physical inspection of the structure. Mr. Cartier submitted a final revised report on August 16, 2006. The historic report, which includes the State of California Department of Parks and Recreation (DPR) forms, and associated City of San Jose Tally form, is attached to this report.

Description

The historic report states the existing structure at 18950 Almaden Road is a single story, vernacular structure in good condition, although significantly altered from its original and modified forms. While no documentation gives an exact date for construction, conservative analysis of the physical evidence indicates that enclosed within the existing building is a 780-square-foot structure that appears to have been originally constructed in the 1880's. The original structure would have been constructed shortly after the 1845 date beginning the New Almaden National Register District period of significance.

Associations

Based on third-party local and first-party oral history, Almaden Feed and Fuel may have been one of ten saloons that provided food and refreshment to people traveling along Almaden Road between San Jose and the

New Almaden Quicksilver Mine via stagecoach. The original structure would therefore appear to have been loosely associated with the Quicksilver Mine. During the ownership of Pfeiffer family members, John and Sunta Calcaterra in the 1920's and 1930's, the side of the structure facing Almaden Road was reconfigured to accommodate gas pumps beneath a large, drive-through portico addition under an extended gabled roof. The circa 1930's modified roadside structure would therefore appear to have been loosely associated with the transportation development patterns of Almaden Road through the 1950's.

Integrity

The California Register of Historical Resources (CRHR) interprets the integrity of a cultural resource based upon its physical authenticity. A property that is eligible for the California Register of Historical Resources for its historic association must retain the essential physical features that made up its character or appearance during the period of its association in order to convey its significance. The National Park Service (NPS) has established guidelines for evaluating the integrity of historic properties. Integrity is evaluated by examining the property's location, design, setting, materials, workmanship, feeling, and association (see attached "*National Register Bulletin 15 – How to Evaluate Integrity*").

The historic evaluation reflects the conclusion that the Almaden Feed and Fuel fails to meet six of the seven aspects of integrity as discussed below:

- Location - The structure retains its location in the place where it was originally constructed and where the historic associations occurred.
- Design - The structure has been so altered that none of the original massing from the 1880's period remains. While the structure does retain the overall massing and some of the framing materials from the gas station period circa 1930 to 1950, the fundamental architectural design of the existing structure does not reflect the architectural design of that period, but was significantly altered in the 1970's and 1980's. No portion exists of the front façade of the gas station addition, which has been demolished as part of enclosing the portico (see historic report photos 13 and 14).
- Setting – While the physical environment, or the character of the place in which the property played its historical role, retains its scenic views, the Almaden Road setting from the period of significance has been compromised by single-family detached housing development built in the last 30 years.
- Materials – The structure does not retain key materials such as siding, trim, windows, or doors dating from the original structure or the gas station period. .
- Workmanship – While heavy roof joist ends protrude from the front of the enclosed gas station portico, no unique examples of artisan's workmanship, such as tooling, carving, painting, graining, turning or joinery from the period of significance remain visible.
- Feeling – Because of the loss of setting and materials, the property does not convey the historic sense of the gas station period of significance circa 1930 to 1950.
- Association – The structure appears to be loosely associated with the New Almaden Quicksilver Mine and Almaden Road development patterns. However, the structure no longer retains basic design features such as the front façade and portico from the 20th century gas station alterations, and substantial amounts of new and replacement materials have altered the building. Therefore, the property does not

contain sufficient integrity to convey its association with an organization or historic development patterns as explained by National Register Bulletin 15 – How to Evaluate Integrity.

Significance

The structure is not currently listed on the City of San Jose Historical Resources Inventory (HRI). The structure appears to be eligible for listing in the San Jose Historic Resources Inventory as a Structure of Merit, but not as a Candidate City Landmark or as a Contributing Structure to a City Landmark Historic District. The structure does not appear to meet the criteria for listing on the National Register of Historic Places (NRHP) and/or the California Register of Historical Resources (CRHR) because of the strength of the associations and the loss of integrity that is necessary to convey its historic significance as a gas station circa 1930 to 1950 during that era of transportation development in Almaden Valley.

Impacts

Because the building and site do not appear to qualify for listing on the NRHP and/or CRHR, or on the HRI as a Candidate City Landmark or Contributing Structure to a City Landmark Historic District, demolition to accommodate future development at the site would not have a significant effect on the environment in the context of historic resources as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. In addition, the report proposes the use of photo documentation to address the loss of the site that is eligible to be categorized as a "Structure of Merit". Photo documentation in conjunction with allowing for the salvage of materials would lessen the loss of local history and preserve historical information.

ANALYSIS

The primary project issues for the Historic Landmarks Commission are maintenance of the Historic Resources Inventory and recommendations regarding the disposition of the Historic Resources identified on the project site.

Historic Resources Inventory Maintenance

In 1986, the City Council passed Resolution No. 58957 authorizing the Historic Landmarks Commission and its staff to maintain the Historic Resources Inventory, which identifies known historic resources of varying significance. A Historic Resource can be identified as eligible for the National and/or California Register according to federal and/or state criteria. A Candidate City Landmark is a highly significant historic resource meeting the qualifications for landmark designation as defined in the Historic Preservation Ordinance. A Structure of Merit is a special historic resource that does not merit City Landmark designation, but contributes to the historic fabric of a neighborhood and the City and is eligible for inclusion in the HRI. This resource has the potential to be considered for inclusion in a Conservation Area or Historic District, should such a geographically definable area be identified. Resolution No. 38957 also authorizes the Commission and its staff to utilize the Inventory as a foundation for future designation of City Landmarks and Historic Districts and for the review and evaluation of proposed development on sites therein.

Because the City does not have the financial resources to conduct a comprehensive historic resource survey of San Jose, non-surveyed individual sites are identified as part of the environmental review process. While historic resources identified as significant under the California Environmental Quality Act (appearing to be eligible for the California Register or as Candidate City Landmarks) are reviewed by the Landmarks

Commission through the environmental review process, resources identified as Structures of Merit are referred to the Commission as part of the Commission's authority in maintaining and utilizing the Inventory. This referral process informs the Commission about development of potentially significant sites and/or areas of the City that have not been surveyed.

Historic Resource Recommendations

While the Structure of Merit proposed for demolition in this proposal is not significant at the California Register, Candidate City Landmark or Historic District level, it does play a role in preserving the City's historic fabric. Should the Historic Landmarks Commission not support the proposed demolition of the historic resource, the Commission can recommend the structure be added to the Historic Resources Inventory, and project alternatives, including rehabilitation and reuse of the structure be considered.

Should the Commission support the demolition of the structure in order to meet the project objectives, the Commission can recommend project conditions in order to respond to community concern about the history of the site and the loss of the commercial use and social gathering place. Because the demolition would not trigger a significant impact under CEQA, these recommendations would not be required environmental mitigation measures. Instead, these would be project level conditions agreed to by the applicant and incorporated into any approvals at the Planned Development (PD) Permit stage in the process. Project conditions could include: advertising the structure for relocation, with the developer contributing towards relocation a dollar amount equivalent to demolition cost; offering the structure for salvage opportunities prior to any demolition activities if relocation is not successful; providing archival (non-HABS) level photographic documentation for the structure and site for storage at the History San Jose library, the California Room, and the New Almaden Quicksilver County Mining Museum; displaying a commemorative marker at the site; contributing to historic resource survey work in Almaden Valley; and/or contributing to the creation of an online and/or New Almaden Quicksilver County Mining Museum educational exhibit documenting the history of the site and Almaden Road.

COMMUNITY OUTREACH

The project was presented at a Community Meeting on February 15, 2006 in order to discuss the proposed project and solicit feedback from the community. Those in attendance were generally supportive of the proposed project. However there were some specific concerns, which included traffic calming at the bend in the road in front of the site, traffic and pedestrian, and if the site was of an historic nature. Staff has received correspondence for and against the proposed project. Those against the project maintain that the structure is of historic significance and that it provides a gathering place for the community. Those in favor of the project state that the use of the structure as a bar is a safety and noise concern and therefore undesirable for the community, and if the structure is found to be historic it should not be a bar, but a museum.

Although this project was not on the agenda, community members spoke at the May 3, 2006 and August 2, 2006 Historic Landmarks Commission meetings for and against this project during the Petitions and Communications portion of the meeting (see attached speaker cards).

The Mitigated Negative Declaration (MND) was circulated and has been available on the Planning website for public review since August 29, 2006. While the MND ends its circulation period on September 18, 2006, the Director of Planning will consider adoption of the MND after the HLC considers the issue at the September 20, 2006 hearing. This Staff Report has been available on the Planning Divisions web site, and staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning Staff recommends that the Historic Landmarks Commission (HLC) make recommendations to the Director of Planning, Planning Commission, and City Council regarding the identified Structure of Merit located on the existing site.

Should the HLC not support the demolition of the identified Structures of Merit, recommend project alternatives that include some or all of the following:

1. Rehabilitation and reuse of the Structure of Merit
2. Listing the Structure of Merit on the Historic Resources Inventory

No environmental mitigation is required as a part of the proposed project. However, should the HLC support the demolition of the identified Structure of Merit, the HLC could recommend some or all of the following project conditions in order to respond to community concern about the history of the site:

1. Advertise the identified Structure of Merit for relocation, with the developer contributing towards relocation a dollar amount equivalent to demolition cost,
2. Advertise the identified Structure of Merit for salvage opportunities to local historic organizations and salvage companies prior to any demolition activities if relocation is not successful,
3. Submit archival (non-HABS) level photographic documentation for the identified Structures of Merit, to the Historic Preservation Officer for storage at the History San Jose library, the California Room, and the New Almaden Quicksilver County Mining Museum,
4. Display a marker at the site commemorating the significance of the site,
5. Contribute to historic resource survey work in Almaden Valley, and/or
6. Contribute to the creation of an online and/or New Almaden Quicksilver County Mining Museum educational exhibit documenting the history of the site and Almaden Road.

Attachments: Maps, Historic Report, Community Information

Pbce001/Implementation/Planning Files/ Zonings/ 2005/PDC05-109 HLC SR-snz